

**§ 802.71 Acquisitions by gift, intestate succession or devise, or by irrevocable trust.**

Acquisitions resulting from a gift, intestate succession, testamentary disposition or transfer by a settlor to an irrevocable trust shall be exempt from the requirements of the act.

**PART 803—TRANSMITTAL RULES**

Sec.

803.1 Notification and Report Form.

803.2 Instructions applicable to Notification and Report Form.

803.3 Statement of reasons for noncompliance.

803.4 Foreign persons refusing to file notification.

803.5 Affidavits required.

803.6 Certification.

803.7 Expiration of notification.

803.8 Foreign language documents.

803.10 Running of time.

803.11 Termination of waiting period.

803.20 Requests for additional information or documentary material.

803.21 Additional information shall be supplied within reasonable time.

803.30 Formal and informal interpretations of requirements under the Act and the rules.

803.90 Separability.

APPENDIX—ANTITRUST IMPROVEMENTS ACT  
NOTIFICATION AND REPORT FORM FOR CERTAIN MERGERS AND ACQUISITIONS

AUTHORITY: Sec. 7A(d), Clayton Act, 15 U.S.C. 18A(d), as added by sec. 201, Hart-Scott-Rodino Antitrust Improvements Act of 1976, Pub. L. 94–435, 90 Stat. 1390.

SOURCE: 43 FR 33548, July 31, 1978, unless otherwise noted.

**§ 803.1 Notification and Report Form.**

(a) The notification required by the act shall be the Notification and Report Form set forth in the appendix to this part (803), as amended from time to time. All acquiring and acquired persons required to file notification by the act and these rules shall do so by completing and filing the Notification and Report Form, or a photostatic or other equivalent reproduction thereof, in accordance with the instructions thereon and these rules. Copies of the Notification and Report Form may be obtained in person from the Public Reference Branch, Room 130, Federal Trade Commission, Sixth Street and Pennsylvania Avenue NW., Washing-

ton, D.C., or by writing to the Premerger Notification Office, Room 303, Federal Trade Commission, Washington, DC 20580.

(b) Any person filing notification may, in addition to the submissions required by this section, submit any other information or documentary material which such person believes will be helpful to the Federal Trade Commission and Assistant Attorney General in assessing the impact of the acquisition upon competition.

**§ 803.2 Instructions applicable to Notification and Report Form.**

(a) The notification required by the act shall be filed by the preacquisition ultimate parent entity, or by any entity included within the person authorized by such preacquisition ultimate parent entity to file notification on its behalf. In the case of a natural person required by the act to file notification, such notification may be filed by his or her legal representative: *Provided however*, That notwithstanding § 801.1(c)(2) and § 801.2, only one notification shall be filed by or on behalf of a natural person, spouse and minor children with respect to an acquisition as a result of which more than one such natural person will hold voting securities of the same issuer.

*Example:* Jane Doe, her husband and minor child collectively hold more than 50 percent of the shares of family corporation F. Therefore, Jane Doe (or her husband or minor child) is the “ultimate parent entity” of a “person” composed to herself (or her husband or minor child) and F; see paragraphs (a)(3), (b) and (c)(2) of § 801.1. If corporation F is to acquire corporation X, under this paragraph only one notification is to be filed by Jane Doe, her husband and minor child collectively.

(b)(1) Except as provided in paragraph (b)(2) of this section and paragraph (c) of this section, items 5–9 and the appendix to the Notification and Report Form must be completed—

(i) By acquiring persons, with respect to all entities included within the acquiring person;

(ii) By acquired persons, in the case of an acquisition of assets, only with respect to the assets to be acquired;

(iii) By acquired persons, in the case of an acquisition of voting securities, with respect to only the issuer whose